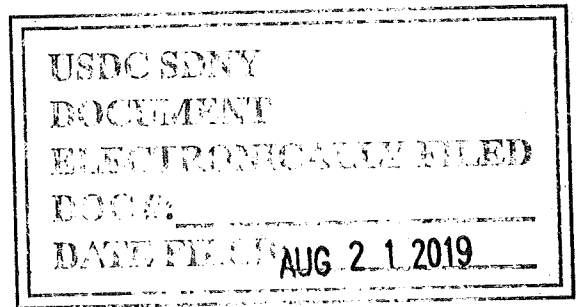


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Yasmin Vargas,

Plaintiff,

—v—

Commissioner of Social Security,

Defendant.

18-cv-4760 (AJN) (OTW)

ORDER

ALISON J. NATHAN, District Judge:

Before the Court is Judge Wang’s Report & Recommendation (“R & R”) recommending that the Court deny the Defendant’s motion for judgment on the pleadings in this pro se Plaintiff’s appeal of an administrative denial of supplemental security income and disability insurance under the Social Security Act. *See* Dkt. No. 17.

When considering the findings and recommendations of a magistrate judge, the Court may “accept, reject, or modify [them], in whole or in part.” 28 U.S.C. § 636(b) (1). The Court must make a *de novo* determination of any portions of a magistrate’s report or findings to which a party raises an objection, and reviews only for “clear error on the face of the record” when there are no objections to the R & R. *Brennan v. Colvin*, No. 13-CV-6338 (AJN) (RLE), 2015

WL 1402204, at \*1 (S.D.N.Y. Mar. 25, 2015); *see also Hicks v. Ercole*, No. 09-cv-2531 (AJN) (MHD), 2015 WL 1266800, at \*1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F.Supp.2d 332, 341 (S.D.N.Y. 2009). Clear error is found only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-CV-8265 (DAB) (MHD), 2013 WL 5405468, at \*2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

Objections to Judge Wang’s R & R were due by August 2, 2019. *See* Dkt. No. 17 at 18. As of August 12, 2019, no objections have been filed. The Court thus reviews the R & R for clear error, and finds none. The Court therefore adopts the R & R in its entirety and DENIES Defendant’s motion for judgment on the pleadings and REMANDS the case to the Commissioner, on the grounds described by Judge Wang.

The Court further finds pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and, therefore, in forma pauperis status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

This order resolves Docket No. 13. The Clerk of Court is respectfully directed to enter judgment and close this case. Chambers will mail a copy of this order to the pro se Petitioner and note its mailing on the public docket.

SO ORDERED.

Dated: August 20, 2019

New York, New York

A handwritten signature in black ink, appearing to read 'Alison J. Nathan', is written over a horizontal line.

ALISON J. NATHAN

United States District Judge